

Chapter 19. PROTESTS, APPEALS AND RACE DATE ASSIGNMENT HEARINGS

Section 2. PROTESTS

~~Protests may be made only by a licensee having an interest in the race, at any time before the winnings are paid over and shall be reduced to writing and sworn to and shall contain at least one specific charge which, if true, would prevent the horse from winning or competing in the race.~~

Protests may be made only by an owner, trainer or driver of one of the contending horses, at any time prior to the running of the race, and shall be reduced to writing and sworn to before a judge of the meeting, and shall contain at least one specific charge which, if true, would prevent the horse from winning or competing in the race.

Procedure after protest.

The judges shall investigate each protest and where appropriate shall summon the parties thereto and examine them. In the event that the parties to the horses being protested refuse to appear or be examined the horse shall be scratched or disqualified and all entrance fees forfeited.

Disposition of protest.

(a) Where a protest is made prior to a race, and the judges find satisfactory evidence to warrant excluding a horse, such horse shall be scratched unless the owner thereof in good faith requests that the horse start under protest and waives any right of reimbursement against the track, in the event the commission should thereafter make a determination allowing said protest. Such request shall be granted by the judges except where permitting said horse to compete would be contrary to the public interest.

(b) Where a protest is made prior to the race and the horse protested has started the judges shall notify the track to withhold payment of the portion of the purse affected pending determination by the commission.

False protest.

Any person found guilty of protesting a horse falsely and without cause or merely with intent to embarrass a race, shall be subject to a penalty consistent with a level 2 violation.

Appeals.

(I) In case of an appeal or protest, the purse money affected will be retained by the track subject to the direction of the commission.